

REMARKS

The foregoing Amendment and the following Remarks are submitted in response to the Final Office Action issued on October 6, 2005 in connection with the above-identified application, and are being filed within the three-month shortened statutory period set for responding to the Office Action. Applicants respectfully request reconsideration and withdrawal of the final rejection of the claims, consistent with the following remarks.

Claims 1, 3, 4, 9, 10, 11, 13, 14, 19, and 20 remain pending in the present application. Claims 1 and 11 have been amended to more particularly point out and distinctly claim the subject matter that Applicants regard as the invention. Applicants respectfully submit that no new matter has been added to the application by the Amendment.

The Examiner has finally rejected claims 1, 10, 11, and 20 under 35 USC § 102(b) as being anticipated by McCrorey (U.S. Patent No. 2,548,842). Applicants respectfully traverse the section 102(b) rejection.

As was previously noted, independent claim 1 recites a wheel-balancing weight for mounting to a wheel with a flange. The weight includes a weighted body and a clip securely attached thereto. The clip has a gripping section and the body has a gripping portion generally opposite the gripping section of the clip. The gripping section of the clip and the gripping portion of the body in combination define a compartment therebetween for receiving the flange therein when the weight is mounted thereto such that the gripping section of the clip and the gripping portion of the body are on opposite sides of the flange and are positioned to *grip the flange therebetween* (emphasis added).

The weighted body has a number of apertures therethrough, and the clip has a like number of apertures therethrough such that each aperture in the clip corresponds to an

aperture in the body. A like number of attaching members are provided, where each attaching member is inserted through a corresponding aperture of the clip and into a corresponding aperture of the body to secure the clip to the body. Additionally, claim 1 recites that the clip, *which is the same clip that has the gripping section that along with the gripping portion of the body grips the flange therebetween* (emphasis added), has an attaching section by which the clip is attached to the body at the attaching face thereof, and that the clip at the attaching section thereof is attached to the body in a fixed manner by each attaching member such that the clip is substantially immovable with respect to the body at each attaching member. Finally, claim 1 recites that the clip is formed as a single piece of material to include both the gripping section and the attaching section.

Thus, the clip as attached to the body at the attaching section of such clip does not move with respect to the body in the area of attachment. However, and as was previously pointed out, such clip is not restricted from moving in areas away from such attachment, such as for example in the case where the clip is flexed with respect to the body in the course of the weight being attached to the flange.

Claim 11 recites substantially the same subject matter as claim 1, albeit in the form of a vehicle with the wheel and the weight of claim 1.

The McCrorey reference discloses a wheel-balancing weight with a body 1 and a clip, where the body 1 and the clip in combination grip a mounted-to flange. As noted by the Examiner in a Response to Arguments section at page 5 of the Final Office Action, the Examiner considers the clip to be the element identified by reference numeral 6, which is indeed fixedly attached to the body 1.

However, Applicants respectfully submit that the element identified by reference numeral 6 cannot be interpreted to be a clip for the reason that such element 6 does not in fact grip the McCrorey flange c along with the McCrorey body (weight) 1. Instead, the McCrorey reference specifically discloses that element 2, which is identified as a gate-like latch device (Column 2, lines 45-46) performs the aforementioned gripping function and therefore is most akin to the clip as recited in claims 1 and 11. Specifically, at column 4, lines 5-10, the McCrorey reference states that the latch device [2] upon being rotated into position “is stressed sufficiently to form with the weight member [1] an effective spring clamp [i.e., clip, on the rim c of the flange]”. In fact, at line 10, the McCrorey reference makes specific reference to the “grip” of such [latch] device [2 on the rim c].

Thus, and presuming that the latch device 2 is to be interpreted as most akin to the clip recited in claims 1 and 11, and again, the McCrorey clip (latch device 2) is hingedly attached to the body by an attaching member such that the clip is rotated into position to secure the weight to the flange, as is best shown in Fig. 4 of such McCrorey reference. Thus, the McCrorey clip is not attached to the body in a fixed manner by the attaching member such that the clip is substantially immovable with respect to the body at the attaching member, as is required by claims 1 and 11.

That said, Applicants note that the McCrorey element 6 which is fixedly attached to the McCrorey body weight 1 cannot be interpreted to be the recited clip of claims 1 and 11 for the reason that such element 6 does not have a gripping section that along with a gripping portion of the body grips the McCrorey rim c therebetween, as was alluded to above. Instead, and again, the McCrorey latch device 2 and not the McCrorey element 6 has such a gripping portion, identified therein as a wing 4. In fact, the McCrorey reference specifically

discloses such element 6 to be a plate 6 to which the latch 2 is hinged, apparently so that the latch 2 rotates against the plate 6 and not against the relatively soft body 1.

Thus, Applicants respectfully submit that the McCrorey plate 6 is not in fact a clip, as the Examiner has asserted, and does not in fact provide a clipping, clamping, or gripping function, as would a clip. In particular, the McCrorey reference discloses that the latch device 2 and not the plate 6 includes the McCrorey wing 4, which does in fact provide such clipping, clamping, or gripping function to the McCrorey device. Inasmuch as the plate 6 does not have the clipping wing 4, Applicants respectfully submit that such plate 6 cannot be pointed to as disclosing the clip recited in claims 1 and 11.

Likewise, inasmuch as the latch device 2 includes the McCrorey wing 4 but is hingedly and not fixedly attached to the McCrorey body 1, Applicants also respectfully submit that such latch device 2 cannot be pointed to as disclosing the clip recited in claims 1 and 11. Thus, Applicants must respectfully submit that the McCrorey reference does not disclose any particular element formed as a single piece of material that may be interpreted to be a clip that is fixedly attached to a body, that has a gripping section for gripping a flange along with a gripping portion of the body, and that has an attaching section at which such clip is attached to the body, all as is required by claims 1 and 11. Likewise, Applicants respectfully submit that the McCrorey reference cannot be applied to make obvious such a clip for the reason that the McCrorey reference wholly fails to appreciate that any particular element should or could both be fixedly attached to a body and also have a gripping section for gripping a flange along with a gripping portion of the body, all as is required by claims 1 and 11.

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**PATENT
REPLY FILED UNDER EXPEDITED
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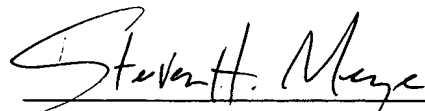
Thus, for all of the aforementioned reasons, Applicants respectfully submit that the McCrorey reference cannot be applied to anticipate or even make obvious claims 1 and 11 and any claims depending therefrom, including claims 10 and 20. Accordingly, Applicants respectfully request reconsideration and withdrawal of the section 102(b) rejection.

The Examiner has rejected claims 9 and 19 under 35 USC § 103(a) as being obvious over the McCrorey reference, and has rejected claims 3, 4, 13, and 14 under 35 USC § 103(a) as being obvious over the McCrorey reference in view of Hume (U.S. Patent No. 2,036,757). Applicants respectfully traverse the section 103(a) rejections.

Applicants respectfully submit that since claims 1 and 11 have been shown to be unanticipated and non-obvious, then so too must all claims depending therefrom be unanticipated and non-obvious, at least by their dependency. Accordingly, Applicants respectfully request reconsideration and withdrawal of the section 103(a) rejections.

In view of the foregoing, Applicants respectfully submit that the present application including claims 1, 3, 4, 9, 10, 11, 13, 14, 19, and 20 is in condition for allowance, and such action is respectfully requested.

Respectfully submitted,



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